

GO 1897. P P 380

Sir:

Please take notice that the within is a true copy of an order which will be proposed for settlement by defendant at this day duly filed and entered in the office of the

Clerk of *Special Term Part I*

May 21st 1897 at

10:30 o'clock A.M.

Dated N. Y., May 20th 1897

Yours, etc.,

PERCIVAL S. JONES,

Att'y for *Def't*

To *Wilder & Anderson* Esq.

Att'y for *plff*

Supreme Court.

Frank S. Prestrey Plaintiff

against

Frank Auman Defendant

Cpy Proposed
Order consolidating
Actions in Supreme Ct.
& Dray my Motion for Renewal & Consolidation of City Ct. Action

PERCIVAL S. JONES,

Attorney for *Def't*

93 NASSAU STREET
BROADWAY, NEW YORK CITY.

Due and timely service of a copy of within *Pro. Order* and indorsed notice of entry is hereby admitted.

Dated, N. Y., May 20/ 1897

Wilder & Anderson Atty's.
Plff.

To _____ Esq.

Atty.

At a Special Term of the Supreme Court
held in and for the First Judicial Dis-
trict, at the Supreme Court Chambers, Part
One, in the Court House in the City and
County of New York, on the eleventh day
of May, 1897.

Present: Hon. George P. Andrews, Justice.

NEW YORK SUPREME COURT.

Frank S. Presbrey

against

Frank Seaman

Action No. 1

NEW YORK SUPREME COURT.

Frank S. Prexsbrey

against

Frank Seaman

Action No 2.

CITY COURT OF THE CITY OF NEW YORK.

Frank Seaman

against

Frank Presbrey

Upon reading and filing the order to show cause herein and the moving affidavits of Frederick E. Anderson and Frank S. Presbrey and upon all the pleadings and proceedings in the above entitled actions; and upon reading and filing the affidavits of Percival S. Jones and Frank Seaman in opposition to said motion that the Action above entitled in the New York City Court be consolidated with the actions above entitled in the Supreme Court, and upon reading and filing the demand made by the defendant in the above entitled actions in the Supreme Court that said actions be consolidated, from all of which it only appears that said actions above entitled in the Supreme Court should be consolidated, said actions being

brought on alleged causes of action which may be joined, and it further appearing that the action brought in the New York City Court is not between the same plaintiff and the same defendant, as is the fact, in the actions brought in the Supreme Court, Now after hearing Frederick E. Anderson, Esq., attorney for the plaintiff in the Supreme Court actions above entitled, for the motion; and Percival S. Jones, Esq., attorney for the defendant in said actions in the Supreme Court above entitled in opposition to ~~the consolidation~~ to the consolidation of the Action above entitled in the New York City Court with the above entitled actions in the Supreme Court:

I T I S O R D E R E D that the above entitled actions in the Supreme Court between Frank S. Presbrey plaintiff and Frank Seaman, defendant, and numbered respectively 1 and 2, be and the same are hereby ordered consolidated into one action, and all proceedings to be had therein are ordered to be entitled in said actions consolidated.

I T I S F U R T H E R O R D E R E D that so much of said motion as asks for the removal and consolidation of the action above entitled in the New York City Court with the actions above entitled in the Supreme Court, be and the same is in all things denied.

I T I S F U R T H E R O R D E R E D that all proceedings in the action in the City Court above entitled, be and the same are hereby ordered stayed pending the hearing and determination of the actions hereby consolidated in the Supreme Court; said stay being upon condition however, that the attorneys for the plaintiff in the actions above entitled in the Supreme Court serve or cause to be served on the defendants attorney therein, a proper consent in due form that said actions hereby consolidated be referred to some proper and compe-

tent person to try hear and determine the issues therein, if
the defendant's attorney therein desires such a reference,
~~within~~ *within five days from the entry & service of this order,*
~~within~~ and in default of such service of said consent, the
proceedings in said action in the City Court may continue to
the determination of said action; the stay above provided for
to be without prejudice to the proceedings already had on
the part of the plaintiff in the action in the City Court.

Enter: